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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/587,699   | 07/27/2006  | Ulrich Bauch         | 2004P00851          | 3533             |
| 24131 7590 02/12/2008<br>LERNER GREENBERG STEMER LLP<br>P O BOX 2480<br>HOLLYWOOD, FL 33022-2480 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| FISHMAN, MARINA  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2832   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,699

**Applicant(s)**

BAUCH ET AL.

**Examiner**

MARINA FISHMAN

**Art Unit**

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/309)  
Paper No(s)/Mail Date 02/06/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***General status***

1. This is a First Action on the Merits. Claims 9 - 16 are pending in the case and are being examined.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The Specification page 1, first paragraph should be amended to include priority information.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 – 16 are rejected under 35 U.S.C. 102(b) as being anticipating by Fuchle et al. [US 5,841,087].

Regarding Claim 9, Fuchsle et al. [Figures 1- 6] disclose a high-voltage outdoor bushing configuration, comprising:

- an axis [along insulator 7, Figures 2, 5];
- an electrically insulating casing [40];
- a switch-disconnector module [100] having an electrically conductive housing [99];

- a phase conductor [2] extended along said axis and to be interrupted by an isolating gap [Figure 3] into a first section and a second section; and
- a switching piece or an element [94, Figure 4] of a multi-part switching piece to be moved at an angle relative to said axis [Figure 4].

Regarding Claim 10, Fuchsle et al. disclose a grounding switch [17, Figure 6, 24, 29; Column 6, lines 65-67, Column 7, lines 1-4] disposed within said electrically conductive housing, said grounding switch grounding at least one of said sections by continuation of a further movement of the switching piece [24]. Regarding Claim 11, Fuchsle et al. disclose the electrically conductive housing is substantially cylindrical, and a shaft [21] passes through said housing and drives said movable switching piece. Regarding Claim 12, Fuchsle et al. disclose the switching piece [24] is a blade contact. Regarding Claim 13, Fuchsle et al. disclose the switching piece is pin-shaped [35, Figure 7, 8]. Regarding Claim 14, Fuchsle et al. disclose the bushing further comprises pillar supports [30] holding said isolating gap in said housing. Regarding Claim 15, Fuchsle et al. disclose the switching piece is movable on a curved path [24 rotates]. Regarding Claim 16, Fuchsle et al. disclose the electrically conductive housing has a cylindrical area and an outer wall, and a shaft [21] passes through said outer wall in said cylindrical area and drives said movable switching piece.

5. Claims 9 -16 rejected under 35 U.S.C. 102(b) as being anticipated by Piazza et al. [US 6,784,392].

Regarding Claim 9, Piazza et al. [Figures 1- 4] disclose a high-voltage outdoor bushing configuration, comprising:

- an axis [along insulator 40, Figures 1, 3, 4];
- an electrically insulating casing [40];
- a switch-disconnector module [100] having an electrically conductive housing [99];
- a phase conductor [2] extended along said axis and to be interrupted by an isolating gap [Figure 3] into a first section and a second section; and
- a switching piece or an element [94, Figure 4] of a multi-part switching piece to be moved at an angle relative to said axis [Figure 4].

Regarding Claim 10, Piazza et al. disclose a grounding switch [Figure 4, 94, 95, Column 3, lines 26-29] disposed within said electrically conductive housing, said grounding switch grounding at least one of said sections by continuation of a further movement of the switching piece [94]. Regarding Claim 11, Piazza et al. disclose the electrically conductive housing is substantially cylindrical, and a shaft [93, Figure 3] passes through said housing and drives said movable switching piece. Regarding Claim 12, Piazza et al. disclose the switching piece [94] is a blade contact. Regarding Claim 13, Piazza et al. disclose the switching piece is pin-shaped [35, Figure 7, 8]. Regarding Claim 14, Piazza et al. disclose a pillar supports [Figure 3, not numbered connected to 93] holding said isolating gap in said housing. Regarding Claim 15,

Piazza et al. disclose the switching piece is movable on a curved path [94 rotates].

Regarding Claim 16, Piazza et al. disclose the electrically conductive housing has a cylindrical area and an outer wall, and a shaft [93] passes through said outer wall in said cylindrical area and drives said movable switching piece.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rokunohe et al. [US 6,680,453], Franchi et al. [US 6,545,241], Piazza [US 6,573,469] all disclose circuit breakers. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA FISHMAN whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/  
February 6, 2008

/K. Richard Lee/

Acting SPE of Art Unit 2832